

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO – Cincinnati Division**

HUNTER DOSTER, et. al. : Case No.: 1:22-cv-00084

Plaintiff :

v. :

Hon. FRANK KENDALL, et. al. :

Defendants :

ORDER GRANTING PLAINTIFF’S MOTION FOR A TRO

The Court, being fully apprised, grants Plaintiff Hunter Doster’s Motion for a Limited Temporary Restraining Order. Defendants Frank Kendall, LTG Robert Miller, and LTG Webb (along with their officers, agents, servants, employees, and attorneys, and persons acting in concert with them) hereby ENJOINED from instituting any further punitive action, to include any letters or reprimand, to institute any non-judicial punishment, to court-martial, or to separate from the service, Lt. Hunter Doster, during the pendency of this matter, and until disposition of the Plaintiff’s Motion for Preliminary Injunction.

No bond need be posted.

The institution of these actions against the Plaintiffs, in light of their religious accommodation requests, and in light of Defendants’ having granted medical and administrative accommodations, is irreparable harm and Plaintiffs have made a colorable showing of a violation of the federal RFRA statute. *Roberts v. Neace*, 958 F.3d 409 (6th Cir. 2020); *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir. 2020); *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (irreparable harm from violation of rights); *Holt v. Hobbs*, 574 U.S. 352 (2015); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006).

The Court finds that Plaintiffs' Counsel did provide notice to the Government, but in any event, given the pendency of punitive action against the Plaintiffs, a no-notice *status quo* restraining order was appropriate.

A preliminary injunction hearing has previously been set for March 25, 2022, at 1:30 p.m. and a briefing schedule has been set.

Entered this ____ day of March, 2022, at ____:____ a.m./p.m.

IT IS SO ORDERED:
